

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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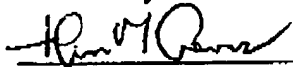
SEP 02 2005

Applicants : Kutryk et al.
Serial No. : 09/808,867
Filed : March 15, 2001
For : MEDICAL DEVICE WITH COATING THAT
PROMOTES CELL ADHERENCE
Examiner : Urmj Chattopadhyay
Group Art Unit : 3738

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8
I hereby certify that this paper is being facsimile
transmitted to the U.S. Patent and Trademark Office
on September 2, 2005 at the facsimile number
1-571-273-8300.

John M. Genova 32,224

Attorney Name PTO Reg. No.

 2 September 2005

Signature

Date of Signature

Mail Stop AF
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Attn: Examiner Urmj Chattopadhyay
Facsimile: 1-571-273-8300
Pages: 6 pages total

LETTER

Sir:

As evidenced by the accompanying papers, a Notice of Appeal was timely filed, by facsimile, on August 31, 2005. The Notice contains: (a) the correct "Mail Stop AF"; (b) a signed Certificate of Transmission, by facsimile, under 37 C.F.R. §1.8; and (c) a petition for a three-month extension of time. The accompanying papers include Applicants' transmission report confirming that the transmission to the Office's general facsimile number 571-273-8300 was successful.

To date, Applicants have not received the Office's Auto-Reply Facsimile Transmission confirming receipt of the Notice. Furthermore, as of today's date, PAIR and the electronic file

USSN 09/808,867, filed: March 15, 2001
Attorney Docket No.: 1133279-0003
Page 2 of 3

wrapper with respect to the subject application contain neither a description of the Notice nor an imaged copy of the Notice.

In response to Applicants' inquiry of today's date, the Electronic Business Center stated that it has no record of having received the Notice and advised Applicants to re-send the original facsimile transmission of the Notice. Accordingly, under cover of this facsimile, Applicants re-submit the Notice originally filed August 31, 2005. A copy of Applicants' transmission report showing that the original transmission was successful is also submitted herewith.

In view of the foregoing circumstances, the following is requested:

1. acceptance of the Notice, filed August 31, 2005; a PTO Auto-Reply Facsimile Transmission confirming receipt of the Notice; and entry of the Notice in PAIR; and
2. acceptance of this facsimile communication, filed September 2, 2005; a PTO Auto-Reply Facsimile Transmission confirming receipt thereof; and entry of this communication in PAIR.

Abandonment of the application by the Office would be inappropriate. Authorization is hereby given to charge any fee that may be required with this communication to Account No. 23-1703.

Dated: September 2, 2005

Respectfully submitted,



John M. Genova
Reg. No. 32,224

Customer No. 007470
(212) 819-8832

Enclosures:

1. Notice of Appeal, filed August 31, 2005 (3 pages)
2. Transmission Report (1 page)

1133279-0603**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Attorney Name PTO Reg. No.

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Box 1450
Alexandria, VA 22313-1450

Attn: Examiner Urmi Chattopadhyay
Facsimile: 1-571-273-8300
Pages: 3 pages total

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. §1.191)**

Sir:

Applicants hereby appeal to the Board from the decision of the Primary Examiner, mailed March 1, 2005, finally rejecting claims 1, 2, 4, 5, 7-9, 18, 20-25, 27, 29-32, 38, 39, 63-65, 67, 68, 70-72 and 74-76. The item(s) below are appropriate:

UISSN 09/808,867, filed: March 15, 2001
Attorney Docket No.: 1133279-0003
Page 2 of 3

1. STATUS OF APPLICANTS

This application is on behalf of a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. §1.17(b), the fee for filing the Notice of Appeal is \$250.00.

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)(1-4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Small Entity Fee</u>
<input type="checkbox"/> one month	\$60.00
<input type="checkbox"/> two months	\$225.00
<input checked="" type="checkbox"/> three months	\$795.00
<input type="checkbox"/> four months	\$1,080.00

Fee \$795.00

If an additional extension of time is required, please consider this a petition therefor.

☐ An extension for _____ month has already been secured by the Amendment after Final, filed _____. The fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$795.00

or

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 250.00

Extension fee (if any) \$ 795.00

TOTAL FEE DUE \$ 1,045.00

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Attorney Docket No.: 1133279-0003
Page 3 of 3

5. FEE PAYMENT

- ☐ Attached is a check in the sum of \$ ____.
- ☒ Charge Account No. 23-1703 the sum of \$ 1,045.00.

6. FEE DEFICIENCY

- ☒ If any additional extension and/or fee is required, charge Account No. 23-1703.
- AND/OR
- ☐ If any additional fee for claims is required, charge Account No. 23-1703.

Dated: August 31, 2005

Respectfully submitted,



John M. Genova
Reg. No. 32,224

Customer No. 007470
(212) 819-8832

FROM W&C LLP 19TH FL.

(FRI) 9. 2'05 12:04/ST. 12:02/NO. 4260454513 P 6

TRANSMISSION REPORT

(WED) AUG 31 2005 11:31
W&C LLP 19TH FL.

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SEP 02 2005


DOCUMENT #	TIME STORED	TIME SENT	DURATION	PAGE(S)	MODE	RESULT
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DESTINATION	DST. TEL #
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1133279-0603

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